

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE, subscriber assigned IP address
68.58.26.128,

Defendant.

Case No. 1:13-cv-0669 WTL-MJD

**NOTICE OF NON-FILING OF REPLY BRIEF IN SUPPORT OF
DEFENDANT'S VERIFIED MOTION TO QUASH SUBPOENA**

Defendant, by counsel, having previously move to quash (this "Motion") Plaintiff's Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (ECF 4) (the "Subpoena"), notifies this Court and Plaintiff that Defendant will not be filing a reply brief in supporting of the Motion due to the fact that, in preparing said reply brief, Plaintiff came across that certain Order to Show Cause issued July 23, 2013, a true and accurate copy of which is attached hereto as Exhibit "A", (ECF 20) (the "Show Cause Order") in that certain Cause captioned *Malibu Media, LLC v. John Doe*, Cause No. 1:13-cv-00675-TWP-MJD (the "Prior Action") which Defendant believes to be directly on point and instructive as to what this Court's resolution of the Motion most likely will be given that the facts and circumstances appear identical and the ruling was less than one (1) month ago. Therefore, rather than filing a reply brief, Defendant will be filing and unless otherwise directed by this Court, within seven (7) days of the fling hereof, an appropriate *ex parte* motion seeking as relief the right to proceed anonymously in this matter and

supported by a developed factual and legal showing sufficient to justify such an order or will, otherwise, provide this Court with information identifying the Defendant by name for the record¹.

Date: August 22, 2013.

Respectfully Submitted,

s/ P. Adam Davis

P. Adam Davis

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Attorney for Defendant

¹ Defendant hopes that the forgoing is not deemed disrespectful by the Court as Defendant does not improperly mean to be presumptive. Quite to the contrary. Rather, as a result of the Show Cause Order, Defendant honestly 100% believes that the Court will enter the same kind of ruling and, rather than have the Court waste its resources on such a motion, Plaintiff is respectfully trying to, for lack of a better word, cut to the chase.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was filed electronically as of the date indicated above. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. For those parties which are not registered with the Court's electronic filing system, the undersigned hereby certifies that a copy of the foregoing has been served by faxing a copy of the same.

Paul J. Nicoletti
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Comcast
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Date: August 22, 2013.

Respectfully Submitted,

s/ P. Adam Davis
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